

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING MINUTES**

December 18, 2007

A meeting of the Kentucky Board of Licensure for Massage Therapy was held at the Division of Occupations and Professions, Frankfort, KY on December 18, 2007.

MEMBERS PRESENT

Carmen Fowler, Board Chair
Sharon Wood – Board Secretary
Denise Logsdon
Theresa Crisler

OCCUPATIONS AND PROFESSIONS STAFF

Jeff Boler, Board Administrator
Claude Wagner, Division Director

MEMBERS ABSENT

Lisa Bozarth, Vice Chair

OTHERS

Cheryl Lalonde, Assistant Attorney General
Debbie Joplin, State AMTA
Marilyn Gossett, Sun Touch Massage School
Pam Jenkins, AMTA
Vanetta Graves, LMT
Gerald Clemons, Board Investigator

Call to Order

Carmen Fowler, Board Chair, called the meeting to order at 10:30 AM.

Approval of Minutes

Minutes of the October 23, 2007 meeting were presented for the Board's review. Ms. Crisler made a motion to approve the minutes as presented. The motion, seconded by Ms. Logsdon, carried unanimously.

Financial Statement

The Board reviewed the financial statement for the month ending October 31, 2007, which indicated a cash balance of \$240,714.48. Ms. Wood made a motion to approve the financial statement as presented. The motion, seconded by Ms. Crisler, carried unanimously.

Licensure Status Report

The Board reviewed the licensure status report for the month of September which indicated 1813 active licenses, with 25 inactive licenses. It was also reported that there were fifty-nine (59) individuals whose licenses were terminated in the month of October for non-renewal.

Complaint Review Committee

(05-06) Committee recommendation is to dismiss the complaint without prejudice.

(05-07) Committee recommendation is to dismiss the complaint without prejudice.

(06-04) Committee recommendation it to send a cease and desist letter, and to forward a copy of the complaint to the Louisville Department of Inspections, Permits & Licenses.

Complaint Review Committee (Continued)

- (07-02) Pending.
- (07-03) Pending
- (07-05) Committee recommendation is to open an investigation.
- (07-06) Committee recommendation it to send a cease and desist letter, and to forward a copy of the complaint to the Louisville Department of Inspections, Permits & Licenses.
- (07-07) Investigation pending
- (07-09) Committee recommendation is to open an investigation.
- (07-10) Committee recommendation is to send a cease and desist letter.
- (07-11) Committee recommendation is to dismiss the complaint without prejudice.
- (07-12) Committee recommendation is to open an investigation.
- (07-13) Committee recommendation it to defer until the January meeting.
- (07-14) Committee recommendation is to open an investigation.

Ms. Crisler made a motion to approve the complaint committee report as presented. The motion, seconded by Ms. Wood, carried unanimously.

Education Committee Report

The Education Committee recommended the approval of “Michael Young’s Muscle Release Technique (Home Study)”, for 21 hours of CE credit.

The Education Committee recommended the approval of “Michael Young’s Muscle Release Technique (Workshop), for 21 hours of CE credit.

The Education Committee recommended the approval of Gateway Community and Technical College (Edgewood) for a certificate of good standing.

The Education Committee deferred the application for Everest Institute for a letter of good standing pending a list of instructors and their qualifications.

The Education Committee deferred the application for Daymar College for a letter of good standing pending the qualifications of their instructors.

Ms. Logsdon made a motion to approve the recommendations of the education committee. The motion, seconded by Ms. Crisler, carried unanimously.

Applications Committee Report

The applications committee recommended the approval nineteen (19) applications for licensure. Ms. Logsdon made a motion to approve the committee report as presented. The motion, seconded by Ms. Crisler, carried unanimously.

Old Business

The Board reviewed its complaints procedures, and made the following clarifications. Complaints against unlicensed individuals where evidence leads the Board Administrator to believe that they are practicing without a license will be handled by sending the individual a "Cease and Desist" letter.

Complaints against businesses or facilities who are hiring unlicensed individuals will be investigated upon receipt.

Complaints against licensed massage therapists will follow the procedure indicated in 201 KAR 42:050. Anonymous complaints will be handled on a "case by case" basis. If an individual continues to violate the law after being given a C/D letter, then the complaint/documentation would be sent to the County Attorney's office for action.

Pam Jenkins, Representative of the Kentucky Chapter of the American Massage Therapy Association, requested that the Board delay taking any action on adding the MBLEX examination administered by the Federation of State Massage Therapy Boards (FSMTB) to its statutes, and add the examination to a bill with other additions and / or changes to the 2009 legislative session. Ms. Logsdon made a motion to accept and abide by the recommendation. The motion, seconded by Ms. Wood, carried unanimously.

New Business

The Board allotted time for Mr. Shonn Piersol, owner of "Relaxology" to make a presentation to the Board concerning the practice of his therapists. Mr. Piersol failed to appear. The Board reviewed the definition of "relaxology" which states:

"Utilizing only the fingertips, the technician lightly touches the skin in a smooth and consistent pattern throughout the entire body with the specific intent of getting the body to relax so the mind will follow."

After much discussion, Ms. Logsdon made a motion to have the board administrator draft a letter stating that "relaxology" falls within the definition of "massage therapy" which states in KRS 399.350 (6):

"The application, by a massage therapist licensed by the board, of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client."

The motion, seconded by Ms. Crisler, carried unanimously.

The Board reviewed correspondence from the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) concerning approval of distance education. It was noted that the Board will accept distance education after 600 hrs of classroom work had been achieved.

The Board reviewed correspondence from Rob Jones, of the Attorney General's office indicating an increase in legal fees from \$75.00 to \$125.00 and hour. No action was taken nor required.

The Board reviewed correspondence from Vanetta Graves, concerning skin care. After much discussion, the Board recommended that Ms. Graves put this issue in front of the Kentucky Board of Hairdressers and Cosmetologists for a ruling.

The Board reviewed a request from Melissa Satterly to remove the exemption for "reflexology" in its statutes, out of safety concerns for its lack of education, regulation, etc. After much discussion, Ms. Wood made a motion to have the administrator draft a letter thanking Ms. Satterly for her correspondence; however, the board does not anticipate any changes to this statute at this time. The motion, seconded by Ms. Logsdon, carried unanimously.

The Board reviewed a draft of a "Frequently Asked Questions" document for the board website. Ms. Crisler made a motion to approve publication of the document. The motion, seconded by Ms. Logsdon, carried unanimously.

Ms. Crisler made a motion to implement a policy that requires individuals who renew late to supply proof of their continuing education. The motion, seconded by Ms. Logsdon, carried unanimously.

The Board discussed individuals who are renewing late, and continue to practice after the expiration date of their license. Ms. Crisler made a motion to issue fines of \$125.00 for individuals who are 1 to 10 days late, \$250.00 for individuals who are 11-29 days late, and \$500 for individuals renewing 30 days late or beyond. In addition, these individuals will be required to submit proof of their continuing education that is documented on the renewal forms. The motion, seconded by Ms. Logsdon, carried unanimously. In an audit event, if the licensee cannot prove the CEU's or they are deficient in CEU's, they shall pay the \$500 fine and double the deficiency. An agreed order would be sent doubling the fine (to \$500), however, if honesty is shown, the board may reduce the fine by 1/2.

Travel and Per-Diem

Ms. Wood made a motion to approve the Travel and Per-Diem for today's meeting. The motion, seconded by Ms. Crisler, carried unanimously.

Ms. Logsdon made a motion to adjourn the meeting. The motion, seconded by Ms. Wood, carried unanimously.

The meeting adjourned at 1:15 PM. The next scheduled meeting of the Kentucky Board of Licensure for Massage Therapy is scheduled for January 15, 2008 at 9:30 AM.

Approved by the Board,



Carmen S. Fowler, Board Chair